THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 13582 of 2006

Dated: 01.09.2006

Between:

B. Sudarsanam, S/o Erranna, Conductor, E.425230, R/o Kurnool, Kurnool District.

.... PETITIONER

AND

The Andhra Pradesh State Road Transport Corporation, rep. by its Regional Manager, Prakasam Region, at Ongole, Prakasam District, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 13582 of 2006

Order:

Questioning the action of the 3rd respondent-Depot Manager, in deleting his name from the selection list on the allegation of not reporting for duty, without issuing any notice, vide Proceedings No.P1/1(08)/2004-PDL, dated 25.09.2004, the petitioner filed the present writ petition.

According to the petitioner, he submitted his application for the post of Conductor and after regular process of selection, he was selected and his name was included in the list of selected candidates and he was being engaged and disengaged from time to time by the respondents-Corporation as per the peak and slack season respectively. While the matter stood thus, the 3rd respondent-Depot Manager issued the impugned proceedings deleting his name from the select panel of daily wage conductors on the ground that his work is not satisfactory, and that he unauthorisedly absent from his duties. Aggrieved by the same, he preferred appeal and review petition before the authorities, which were rejected. Hence, he filed the present writ petition.

A counter affidavit was filed by the respondents-Corporation *inter alia* stating that the petitioner was initially selected to the post of Conductor Gr.III on daily wage basis and posted to Gooty Depot on 16.04.1996. He was removed from service with effect from 20.11.1998 for his unauthorized absence from duties. On an appeal filed by the petitioner, against the said removal orders, he was reinstated into service on casual basis by imposing punishment of reducing his seniority by 50 places in the seniority list of casual conductors.

Thereafter also, the petitioner used to absent from his duties frequently without any valid reasons causing much inconvenience to the Corporation, and on several occasions he was censured and minor punishments were imposed on him. It is further stated that on 02.05.2003, the petitioner was deputed to Ongole Region and posted at 3rd respondent-Depot. After reporting at Podili Depot, the petitioner was not available for his duties for a period of 121 days during the year 2003, and he unauthorisedly absent from his duties from 12.01.2004 to 25.01.2004, and therefore, after conducting an enquiry, and after providing reasonable opportunity to the petitioner, the 3rd respondent-Depot Manager, by impugned order dated 25.09.2004 deleted the name of the petitioner from the approved panel list/select list of Conductors. The appeal and review preferred by the petitioner were rejected on the ground that there is no provision of appeal to the casual employees whose names were deleted from the approved panel.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-Corporation.

A perusal of the counter affidavit filed by the respondents-Corporation clearly indicates that the petitioner was irregular in attending his duties, and earlier he was visited with punishment of reducing his seniority by 50 places in the seniority list of casual conductors for his unauthorized absence. It further indicates that the petitioner was not available for his duties for a period of 121 days during the year 2003, and he unauthorisedly absent from his duties from 12.01.2004 to 25.01.2004. Hence, a charge sheet was issued to the petitioner alleging unauthorized absence from his duties. Despite acknowledging the same, as he failed to submit his explanation, a preliminary enquiry was conducted, and the Enquiry Officer, who conducted the enquiry, submitted his enquiry report dated 27.02.2004 holding that the charges against the petitioner are proved. Based on the said report, a show cause notice of removal dated 25.06.2004 was

issued calling upon the petitioner to show cause as to why his name shall not be deleted from the approved panel list/select list of Conductors, for which he submitted his explanation. Dissatisfied with the same, the 3rd respondent-Depot Manager passed the impugned order deleting the name of the petitioner from the approved panel list/select list of Conductors. The appeal and review preferred by the petitioner, as against the impugned order, were rejected on the ground that there is no provision of appeal to the casual employees whose names were deleted from the approved panel.

Inasmuch as the petitioner is a chronic irregular employee and was not available for his duties for a period of 121 days during the year 2003 and he was unauthorisedly absent from duties from 12.01.2004 to 25.01.2004, no exception can be taken to the action taken by the 3rd respondent-Depot Manager in deleting his name from the approved panel list/select list of Conductors. The contention of the petitioner is that since the allegation was framed by following the regulations of the Corporation, the rejection of appeal and review preferred by him against the impugned orders, is nothing but violation of principles of natural justice. I am unable to accept the said contention. The petitioner being a casual employee cannot claim better rights than regular employees, more so when there is no appeal provision to the casual employees whose names were deleted from the approved panel.

The writ petition is devoid of merit and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Date: 01.09.2006
Nsr/Grk